

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARY CASEY, as Administrator of the Estate)	
of PHILLIP CASEY, deceased,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 09-CV-951-JPG-DGW
)	
MARJORIE GUTHRIE, M.D., <i>et al</i> ,)	
)	
Defendants.)	

NOTICE OF REMOVAL

The United States of America, by its attorneys, A. Courtney Cox, United States Attorney for the Southern District of Illinois, and James L. Porter, Assistant United States Attorney, respectfully notifies this Court of a removal pursuant to Title 28, United States Code, Sections 1442 and 1446.

1. Doctor Marjorie Guthrie, M.D., who is a deemed employee of an agency of United States of America, and the Southern Illinois HealthCare Foundation, Inc., d/b/a Belleville Family Health Center, an entity of the United States of America, eligible for Federal Tort Claims Act coverage pursuant to the Federally Supported Health Centers Assistance Act, are named Defendants in a civil action now pending in the Circuit Court of the Twentieth Judicial Circuit, Saint Clair County, in the State of Illinois, entitled: *Mary Casey as Administrator of the Estate of Phillip Casey, Deceased v. Marjorie Guthrie, M.D., et al*, case number 09-L-0499. A copy of the complaint is attached hereto and made a part hereof as Exhibit 1.

2. Because, at the time of the allegations in the complaint, Doctor Marjorie Guthrie, M.D. was a deemed employee of the United States of America acting within the scope of her duties, and because the Southern Illinois HealthCare Foundation, Inc., d/b/a Belleville Family Health Center is a covered entity of the United States of America, the complaint, if any, is against the United States

of America, and not against either Doctor Marjorie Guthrie, M.D., or the Southern Illinois HealthCare Foundation, Inc., d/b/a Belleville Family Health Center in their individual capacities. A copy of the determination that Doctor Marjorie Guthrie, M.D. was, in fact, a deemed employee of the United States of America and was, in fact, acting within the scope of that employment at the time of the alleged occurrence, is attached hereto and made a part hereof as Exhibit 2.

3. The United States of America is a sovereign.

4. This action is removable pursuant to Title 28, United States Code, Section 1442(a)(1), which provides for the removal of any action against the United States or any agency thereof or any officer.

5. A copy of this Notice of Removal is being served upon all interested parties as of this date. A certified copy of this Notice will be sent for filing to Brendan F. Kelly, Clerk of the Circuit Court, Twentieth Judicial Circuit, Saint Clair County, Illinois, as soon as it is received from the Clerk of the Court, United States District Court, Southern District of Illinois, pursuant to Title 28, United States Code, Section 1446(d).

Wherefore, the United States of America respectfully removes this action to the United States District Court for the Southern District of Illinois pursuant to Title 28, United States Code, Sections 1442 and 1446.

Respectfully submitted,

UNITED STATES OF AMERICA

A. COURTNEY COX
United States Attorney

/s/ James L. Porter
JAMES L. PORTER
Assistant United States Attorney
Nine Executive Drive
Fairview Heights, IL 62208-1344
Telephone: (618) 628-3700
Fax: (618) 622-3810
E-Mail: jim.porter@usdoj.gov